

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA

v.

APRIL EVALYN SHORT

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CR 123-070

ORDER

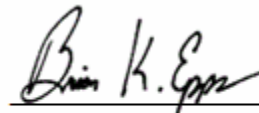
Defendant notified the Court of her intent to assert an insanity defense and introduce expert evidence of mental disease or defect bearing on the issues of both guilt and punishment pursuant to Fed. R. Crim. P. 12.2(a) and (b). (Doc. nos. 28, 38.) In response, the government requests authorization for Dr. Michael Vitacco, a forensic psychologist, to conduct an examination of Defendant pursuant to Fed. R. Crim. P. 12.2(c)(1)(B) and 18 U.S.C. § 4242. (Doc. nos. 30, 39.) The Court **GRANTS** the government's motions, (*id.*), and **ORDERS** an examination of Defendant by Dr. Vitacco pursuant to 18 U.S.C. §§ 4242 and 4247. The Court **DIRECTS** Defendant to cooperate and comply with all scheduled meetings in order to complete the examination, as required by Fed. R. Crim. P. 12.2(d)(1)(B).

Dr. Vitacco shall examine Defendant at her place of incarceration. At least two weeks prior, the government shall notify defense counsel in writing of the examination dates and times, estimated duration, all tests to be administered, and whether the examination will be recorded. The parties shall confer in good faith to resolve any disagreements, and, if unsuccessful, schedule a teleconference with the undersigned.

Dr. Vitacco shall provide a written report of his findings, pursuant to 18 U.S.C. § 4247, as soon as practicable to United States Magistrate Judge Brian K. Epps, Southern District of Georgia, Post Office Box 1504, Augusta, Georgia 30903 (706-849-4404); with copies to Assistant United States Attorney, Patricia Green Rhodes, Post Office Box 2017, Augusta, Georgia, 30903 (706-724-0517); and to defense counsel James Pete Theodocion, 507 Walker Street, Augusta, Georgia, 30901 (706-722-3000). Dr. Vitacco's report shall include:

1. Defendant's history and present symptoms;
2. A description of the psychiatric, psychological, and medical tests that were employed and their results;
3. Dr. Vitacco's findings; and
4. Dr. Vitacco's opinions as to diagnosis, prognosis, and whether Defendant was insane at the time of the offense charged.

SO ORDERED this 19th day of July, 2024, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA